



Entered on Docket
September 23, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining First Omnibus Objection
Of USACM Trust To Proofs Of Claim
Based Entirely Upon Investment In The
Gess Loan**

Hearing Date: August 30, 2011

Hearing Time: 10:30 a.m.

The Court having considered the "First Omnibus Objection Of USACM Trust To Proofs Of Claim Based Entirely Upon Investment in The Gess Loan," ("Gess Loan") [DE 8630] (the "Objection"); the Court having heard the Objection on August 30, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the Claims listed on

1 **Exhibit A** does not affect the direct lenders' right to repayment by the borrower or from
2 the collateral securing the Gess Loan; and good cause appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 8630] is sustained; and
5 2. The claims listed on **Exhibit A** attached are disallowed in full because those
6 claims are based entirely upon an investment in the Gess Loan.

7
8 PREPARED AND RESPECTFULLY SUBMITTED BY:

9 **LEWIS AND ROCA LLP**

10
11 By /s/ John Hinderaker (AZ #018024)

12 Robert M. Charles, Jr.

13 John Hinderaker (*pro hac vice*)

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18 *Attorneys for USACM Liquidating Trust*

LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

_____ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

_____ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: _____

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: <u>Augie Landis</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)
Attorneys for USACM Liquidating Trust

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**USACM Trust
6425 Gess, Ltd.
Single Loan Claims**

Claim	Date Claim was Filed	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the 6425 Gess, Ltd. Loan
10725-01142	11/9/2006	Argier, Joseph	2166 Montana Pine Dr Henderson, NV 89052	100,000.00	100,000.00
10725-00710	10/24/2006	Benjamin & Aleath Nicosia Family Trust DTD 5/10/02	C/O Benjamin & Aleath Nicosia Ttees 15775 W Verde Ln Goodyear, AZ 85338-8124	150,000.00	150,000.00
10725-01848	1/4/2007	Broadwalk Investments Limited Partnership	Attn James R Bonfiglio 8635 West Sahara Ave PMB 220 Las Vegas, NV 89117	100,000.00	100,000.00
10725-00619	10/17/2006	Catherine B Stretmater Revocable Trust DTD 6/5/89	C/O Catherine B Stretmater Ttee 12000 N 90Th St Unit 2006 Scottsdale, AZ 85260-8631	100,000.00	100,000.00
10725-00769	10/27/2006	Charles Bombard 1999 Trust DTD 12/3/99	C/O Charles Bombard Ttee 1076 Mullen Ave Las Vegas, NV 89044-9544	100,000.00	100,000.00
10725-01216	11/10/2006	Cohen IRA, Nelson L	7670 W. Lake Mead Blvd. Suite 225 Las Vegas, NV 89128	Unknown	Unknown
10725-00416	10/3/2006	Colagross, Curtis	16227 Pasquale Rd Nevada City, CA 95959	100,000.00	100,000.00
10725-01499	11/29/2006	Doutt, David B Sr & Johnine M	1121 Columbia Houston, TX 77008	8,142.30	8,142.30
10725-01539	12/4/2006	Dunham Trust Company Ttee For Fredrick W. Kwell Ir	730 Sandhill Road Suite 310 Reno, NV 89521	70,000.00	70,000.00
10725-01456	11/16/2006	Dupin, William & Penny	545 Cole CIR Incline Village, NV 89451	50,000.00	50,000.00
10725-01536	12/4/2006	Fine IRA, Lewis H & Arlene J	C/O First Trust Of Onaga KS Po Box 598 Heber City, UT 84032-0598	248,266.64	248,266.64

EXHIBIT A

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